

Article - Natural Resources

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§3–128.

(a) If the Service and a municipality or person fail to reach agreement on rates, fees, or other charges to be exacted by the Service for a water supply or wastewater purification project, the Public Service Commission, on the petition of either party to the disagreement, shall assume jurisdiction for the purpose of arbitrating the disagreement. Its determination shall be final and binding on all parties concerned, subject to the right of any party to appeal the determination to the circuit court of any county within which the municipality or person is located, resides, or carries on business. In any appeal the decision of the Commission is prima facie correct and shall be affirmed unless clearly shown to be (1) in violation of constitutional provisions, or (2) made on unlawful procedure, or (3) arbitrary or capricious, or (4) affected by other error of law. It is the intention of this subtitle that judicial review in all instances includes the right to appeal to the Court of Special Appeals from the decision of the lower court. The provisions of this section and the jurisdiction of the Public Service Commission shall not apply to any rates, fees, or charges agreed to by contract between the Service and a municipality or person for a water supply or wastewater purification project.

(b) The Service may not be deemed to be a public service company within the meaning of the Public Utilities Article, and, except as provided in this section and in § 3–102(b) of this subtitle, the jurisdiction and powers of the Public Service Commission do not extend to the Service.

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